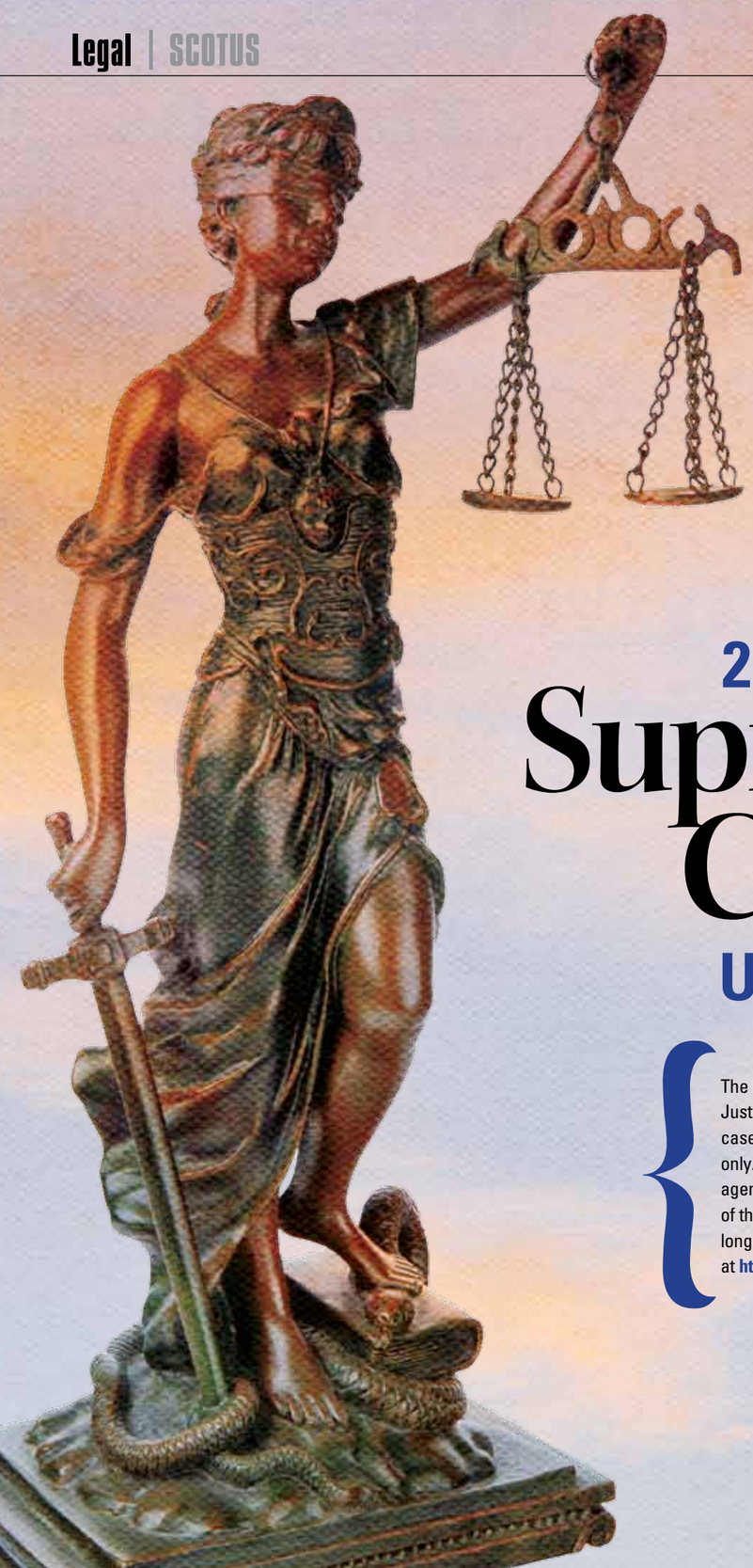
SCOTUS | Legal



2013-14 Supreme Court UPDATES

The Kentucky Department of Criminal Justice Training provides the following case summaries for information purposes only. As always, please consult your agency's legal counsel for the applicability of these cases to specific situations. A longer summary of each case is available at http://docjt.ky.gov/legal.

42 U.S.C. §1983 – EXIGENT ENTRY

Stanton v. Sims, 134 S.Ct. 3 (2013)
Decided Nov. 4, 2013

ISSUE: If the law is not settled on a particular issue and the officer acted in a manner not "plainly incompetent," is the officer entitled to qualified immunity?

HOLDING: The Court agreed that when the law on a particular situation is not legally settled, with previous decisions in similar situations resolved in a consistent manner by the courts, an officer who takes action in the face of legal uncertainty should not be penalized. The Court ruled in favor of qualified immunity for the officers.

Kansas v. Cheever, 134 S.Ct. 596 (2013)
Decided Dec. 11, 2013

ISSUE: May the prosecution use a court-ordered psychiatric examination to rebut evidence of the mental status of the defendant?

HOLDING: The Court agreed that a trial court may order a psychiatric examination on its own, when mental state is argued as a defense by the subject under trial. The case was reversed and remanded back to Kansas for further proceedings.

Burrage v. U.S., 134 S.Ct. 881 (2014)
Decided Jan. 27, 2014

ISSUE: To support an enhanced penalty under federal law, is it necessary to prove that a drug distributed by the defendant is the proximate cause of another's death?

HOLDING: The Court agreed that direct proof is required to invoke a federal sentencing enhancement based upon the death of an individual due to an overdose allegedly sold from the subject under trial. Because so many drug-related deaths involve a combination of more than one drug, purchased, possibly, from more than one trafficker, such proof many be difficult in some circumstances, however. The Court reversed the sentence, but not the conviction, against the defendant.

SEARCH & SEIZURE – CONSENT

Fernandez v. California, 134 S.Ct. 1126 (2014)
Decided Feb. 25, 2014

ISSUE: Does the refusal to consent to a search extend past the point at which the objecting party is removed, if another co-inhabitant gives consent later?

HOLDING: The Court agreed that consent given by a party left behind, when one resident is removed from a location as a result of lawful arrest not made for the purpose of getting a consent, is valid. In such circumstances, to not allow that person to give a consent would be disrespectful to the independence of that individual. The Court upheld Fernandez's conviction.

FEDERAL ASSET FORFEITURE

Kaley v. U.S., 134 U.S. 1090 (2014)
Decided Feb. 25, 2014

ISSUE: Does a federal grand jury indictment also support the seizure of assets connected to the crime?

HOLDING: The Court upheld the freezing of assets that are the proceeds of a crime, when probable cause has been demonstrated by the grand jury in an indictment.

MILITARY JURISDICTION

U.S. v. Apel, 134 S.Ct. 1144 (2014)
Decided Feb. 26, 2014

ISSUE: Is a public roadway through a military base still under the command of the military?

HOLDING: The Court noted that many military installations in the United States encompass public roads, as well. In a case in which a subject was protesting in an area that was under, in effect, dual jurisdiction, the Court agreed it was necessary to determine the actual status of the property in question, and whether it was under the exclusive jurisdiction of the base commander. The Court returned the case to the trial court to determine if the military had exclusive possession of the area in question.

FEDERAL FIREARMS LAW

Rosemond v. U.S., 134 S.Ct. 1240 (2014)
Decided March 5, 2014

ISSUE: To convict of aiding or abetting in a crime involving a firearm under federal law, must the defendant be found to have been aware of the presence of the weapon by a cohort?

HOLDING: The Court agreed that to convict a co-defendant for the use or presence of a firearm during a drug deal, by another party, required the defendant to have foreknowledge of the presence of the firearm. Since the jury instructions did not require the jury to make that decision, the case was remanded back to the trial court for further proceedings consistent with the decision. >>

FEDERAL LAW – CRIME OF VIOLENCE

U.S. v. Castleman, 134 S.Ct. 1405 (2014)
Decided March 26, 2014

ISSUE: Does a minor assault that includes any degree of force qualify as a misdemeanor crime of domestic violence for federal law purposes?

HOLDING: The Court noted that under common law, where any amount of force was considered to be force, it was appropriate to define force in a domestic violence situation to require only the slightest degree of force, including shoving, slapping and hitting. The degree of force to constitute a "misdemeanor crime of domestic violence" would be that required to support a "common-law battery conviction." The case was remanded back to the trial court for further proceedings.

SEARCH & SEIZURE – TRAFFIC STOP

Navarrette v. California, 134 S.Ct. 1683 (2014)
Decided April 22, 2014

ISSUE: Might an anonymous 911 caller provide sufficient information to support a traffic stop?

HOLDING: The Court agreed that a detailed and specific tip, even though arguably anonymous, is sufficient to support a traffic stop, even when the officer does not personally witness any violations. (The Court also noted that in modern 911 systems, it is difficult to achieve total anonymity anyway.) The Court upheld the guilty pleas in the case.

42 U.S.C. §1983 – USE OF FORCE

Tolan v. Cotton, 134 S.Ct. 1861 (2014)
Decided May 5, 2014

ISSUE: Is a court required to analyze the evidence in a summary judgment case in the light most favorable to the plaintiff?

HOLDING: The Court ruled that in a civil use-of-force case the Court must analyze the evidence presented in a manner most favorable to the plaintiff making the allegations, especially when that evidence contradicts evidence put forward by the defendants. The Court reversed the summary judgment that had been granted to the officers in the case, and remanded the case back to the trial court.

TRIAL PROCEDURE – DOUBLE JEOPARDY

Martinez v. Illinois, 135 S.Ct. 2070 (2014)
Decided May 27, 2014

ISSUE: Does the swearing in of the jury signal the start of a trial, triggering the Double Jeopardy Clause?

HOLDING: The Court agreed that the point at which a jury trial begins, for purposes of triggering double jeopardy, is when the jurors are empaneled and sworn. The Court held that in this case, jeopardy had attached and reversed the decision of the state courts, which had ruled that it had not.

42 U.S.C. §1983 – USE OF FORCE

Plumhoff v. Rickard, 134 S.Ct. 2012 (2014)
Decided May 27, 2014

ISSUE: Is using deadly force to end a dangerous, high speed pursuit, Constitutional?

HOLDING: The Court agreed that using intentional, deadly force to end a dangerous vehicle pursuit is lawful. Further, the Court noted that an allegation that too many shots were fired at the fleeing subjects was not valid, as officers were expected to "not stop shooting until the threat has ended," even when that puts others at risk as well. In this case, as the lower court had denied qualified immunity to the involved officers, the Court reversed that decision and remanded it back.

FEDERAL FIREARMS LAW

Abramski v. U.S., 134 S.Ct. 2258 (2014)
Decided June 16, 2014

ISSUE: May a weapon be purchased, under federal law, by a "straw" purchaser?

HOLDING: The Court ruled that a firearm must be purchased from a dealer by the actual buyer, not someone acting as a "straw buyer" for the person actually providing the money for the weapon. (The Court noted that the decision did not necessarily include a prohibition on purchasing a weapon as a gift, as that was not the facts before it.) The Court upheld the conviction for misrepresentation.

FIRST AMENDMENT

Lane v. Franks, — U.S. — (2014)
Decided June 19, 2014

ISSUE: Is testifying truthfully as to matters learned in the course of one's employment protected speech?

HOLDING: The Court agreed it made no sense to allow the punishment of a government employee by termination, for that employee's appearance and testimony under subpoena concerning a criminal case in which that employee had valid information. The Court noted that the employee's testimony was not false or incorrect and concerned an important matter of public interest. The Court reversed the dismissal in favor of the government entity, (a state community college), which fired Lane.

FEDERAL LAW – BANK FRAUD

Loughrin v. U.S., — U.S. — (2014)
Decided June 23, 2014

ISSUE: Is the presentation of a fraudulent bank check to a merchant bank fraud?

HOLDING: The Court agreed that an attempt to pass a bad check, drawn on a federally insured bank, through a retailer, was federal bank fraud, because it was to be expected that ultimately, the check would be presented to a bank. The Court affirmed Loughrin's conviction.

SEARCH & SEIZURE – CELL PHONE

Riley v. California / U.S. v. Wurie, — U.S. — (2014)
Decided June 25, 2014

ISSUE: May a cell phone be routinely searched incident to arrest?

HOLDING: The Court agreed that it was a violation of the Fourth Amendment to allow for cell phones to be routinely searched, incident to an arrest, although it allowed that in some situations another exception, such as exigent circumstances, might permit it. The Court reversed Riley's conviction and affirmed the dismissal of Wurie's conviction.

FIRST AMENDMENT

McCullen v. Coakley, — U.S. — (2014)
Decided June 26, 2014

ISSUE: May a fixed buffer zone around an abortion clinic (or other facility) prohibit activity on a public sidewalk or other traditional public fora?

HOLDING: The Court dismissed the state law at issue in the case, finding that a limitation on sharing views with others on a public fora (the sidewalk) was too broad of a limitation on First Amendment. The Court reversed the decision upholding the statute that created the fixed zone.